REMARKS/ARGUMENTS

Support for the amendment to Claim 1 is found at specification page 23, lines 1-2 (use of two or more dyes), page 8, lines 12-15 (dielectric layer on recording layer), page 8, last paragraph (thickness of light-transmitting layer) and by original Claim 4 (limitation on dye). Similar amendments have been made to Claim 7. New Claims 8-10 parallel original Claims 3, 5 and 6. New Claims 11 and 12 are supported at specification page 23. No new matter has been entered.

The rejection of Claims 1-5 and 7 as being anticipated by Kasada is traversed. At the outset, Applicant does not concede that Kasada constitutes prior art against the present application, as it was published after Applicants' U.S. filing date. While Kasada is based upon a PCT application, the language of this application is not known nor has its filing date been verified. In any event, Applicant recognizes that a PCT corresponding to Kasada published on June 21, 2001. In view of this situation, Applicant will address Kasada in order to expedite the prosecution of this case.

Applicant has, by the above amendment, required the presence of a dielectric layer on the recording layer, the light-transmitting layer now being present on the newly-claimed dielectric layer. Kasada does not disclose a dielectric layer on a recording layer. This difference, in addition to other differences between what is claimed herein and what is disclosed by the reference, should cause the anticipation rejection over this reference to be withdrawn.

The claims have also been rejected as being anticipated by Ogiso. This rejection is traversed.[1]

Ogiso nowhere discloses Applicants' particularly claimed monomethine cyanine dye. The sum total of the disclosure in Ogiso relied on by the Examiner constitutes the mention of

[1] The prior art status of Ogiso is similar to that described above for Kasada. Applicants do not concede that this reference constitutes prior art herein.

the phrase "a cyanine-based compound" at column 39, lines 31-32 and the disclosure at column 41, lines 10-16 describing the residue of a compound having a certain ability, such as an ultraviolet absorbing ability, being chemically bonded to a residue of a benzobisazole-based compound of reference formula 1. This information is insufficient to arrive at Applicants' particularly claimed monomethine cyanine dye,[2] and is further insufficient to provide any guidance or direction with regard to the particularly claimed dye characteristics, such as refractive index.[3] In fact, the present application includes a specific example that demonstrates this fact: in Comparative Examples 1 and 2 at specification pages 36 and 37 cyanine dyes presumably included within the scope of Ogiso different from those claimed herein are shown *not* to possess the required refractive index of 1.2 or lower with respect to the wavelength of the recording/reproducing laser light. In addition, the Recording/Reproducing tests described at specification pages 39-40 show that these comparative cyanine dyes provided poor results as compared to the invention monomethine cyanine dyes. Because Ogiso nowhere discloses or describes Applicant's particularly claimed dyes nor their specific characteristics as claimed, it is clear that this reference does not anticipate the present claims.

With regard to the rejection of Claim 6 as unpatentable over Kasada in view of Yanagisawa, Applicants note the comments presented above with regard to Kasada

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[2] Applicant's monomethine cyanine dye contains a monomethine group with two nitrogen-containing heterocyclic rings positioned on ends of the monomethine group, one of the two nitrogen-containing heterocyclic rings being selected from the group consisting of indolenine and benzothiazole, and the other of the two heterocyclic rings being selected from the group consisting of indolenine, quinoline, benzothiazole, benzimidazole and benzoselenazole.

[3] Applicant's monomethine cyanine dye has a minimum value nmin of its refractive index n (real part of the complex refractive index) within the range of 370 to 425 nm and has a refractive index n of 1.2 or lower with respect to the wavelength of the recording/reproducing laser light.

concerning the lack of a dielectric layer. As Claim 6 requires the presence of this layer, the rejection should be withdrawn.

Finally, Applicants have attached hereto a Terminal Disclaimer of a co-pending Application 10/657,205. This Terminal Disclaimer has been provided solely to advance prosecution, and Applicants do not agree that the presently pending claims are not patentably distinct from those in the co-pending application.

Accordingly, and in view of the above amendments and remarks, Applicants respectfully request the reconsideration and withdrawal of the outstanding rejection, and the passage of this case to Issue.

Respectfully submitted,

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